

MINUTES
ZONING COMMISSION
APRIL 3, 2013 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: French, Hudecek, Marquardt, Sutherland
Absent: Sayer
Staff present: Glemboski, Trask

Chairperson Sutherland called the meeting to order at 7:03 p.m.

She noted that Commissioner Sayer has been appointed by the Town Council as a voting member, and Commissioner Marquardt has been reappointed.

II. PUBLIC HEARING

1. Special Permit #333, 7 Water Street, Pizzetta. Proposal is for the addition of 680 +/- sf of seasonal outdoor dining area adjacent to the existing seasonal patio dining area. Review is per Sections 6.3 and 8.3 of the Zoning Regulations. PIN 261918307563, WDD Zone. (Gary Hobert, Applicant) (CAM) – (Continued)

Chairperson Sutherland read the legal ad.

Commissioner French noted that she has listened to the tape from last month's public hearing and feels she is prepared to cast a vote.

Joe Wren, Indigo Land Design, addressed the Commission and noted the 30 letters on record in favor of the application. He also noted the memos from the Economic Development Commission and Planning Commission. He read an email from Elaine Tetlow in favor of the application.

Gary Hobert, applicant, spoke to the Commission about the economy of Downtown Mystic, noise ordinances, volume and decibel levels, and the steps he is willing to take to help appease all parties involved with new speakers.

Mr. Wren, Mr. Hobert and the Commission discussed hours of operation, music and volume.

Staff noted the information in this week's packet or handed out tonight that included copies of letters received to date, a memo from Kevin Quinn, and referrals from the Planning Commission and the Economic Development Commission. Staff briefly discussed other outdoor patios in Downtown Mystic and the use of live music in restaurants. Staff read a memo from Kevin Quinn, Zoning Official, regarding ADA and handicap accessibility.

Mr. Wren submitted four more letters of support for the record.

Mr. Hobert and the Commission discussed the new speakers he is proposing as an alternative to an amplifier.

Steve Merritt, 206 Seneca Drive, took questions from the Commission about the new speakers.

The following residents spoke in favor of the application:

- Judy Caracausa, 375 Allyn Street
- Dan Sutherland, 45 Holmes Street
- Dave Lynch, 25 Fishers View Drive
- Chet Stefanowicz, 31 Boardsen Road
- Mark Shaw, 251 Ocean View Avenue
- Trisha Walsh, President Greater Mystic Chamber of Commerce
- Joan Bingam, 48 Pearl Street
- John Windroth, 14 Steamboat Wharf
- Rod Demaris, High Street
- Kim Strom, 61 Steamboat Wharf
- Laura Gaffey, 50 South Road
- Steve Michaels, 1 Latham Street
- Brian Merritt, 1125 Flanders Road
- Dan Tyler, Anchorage Circle
- Steven Merritt, 206 Seneca Drive

The following resident spoke in opposition of the application.

- David Kay, 37 Steamboat Wharf

The following residents spoke in favor of parameters on the live music.

- Judy Caracausa, 375 Allyn Street
- Marshal Udin, President of Steamboat Wharf Condo Association

Mr. Hobert addressed some of the concerns brought forth by citizens.

The public hearing was closed at 7:59 p.m.

III. APPROVAL OF THE MINUTES OF meeting of March 6, 2013.

MOTION: To approve the minutes of March 6, 2013 as written.

Motion made by French, seconded by Hudecek. Motion passed 3-1-0, with French abstaining.

IV. CONSIDERATION OF PUBLIC HEARING

1. Special Permit #333, 7 Water Street, Pizzetta

The Commission discussed harmony with the development, the impact on the environment, the dates and time for live music, a conditional permit that would require the applicant to appear before the Commission in one year, and setting precedence.

MOTION: To approve Special Permit #333, Pizzetta, 7 Water Street for the addition of 680 square feet of seasonal outdoor dining area subject to the following conditions:

1. The period of the special permit shall be for one year with a renewal available via public hearing and approval of the Zoning Commission.
2. The hours of operation for the existing and new outdoor seating area shall be from 11:30 am to 10:00 pm. There shall be no use of the outdoor seating after 10:00 pm.
3. Live outdoor music shall be approved for one summer period (2013) and shall be limited to the following:
 - a. The months of June, July and August.
 - b. Fridays, Saturdays, and Sundays and 2 Tuesdays during the summer.
 - c. All live music shall end by 9:00 p.m.
 - d. Small speakers, with master volume control, pointing inwards towards the patio are to be used in lieu of larger centralized speakers.
4. The owner shall participate in the parking validation program at the Mystic Art Center when the outdoor seating area is in operation. Signs shall be posted at entrances and cash registers to notify customers of participation in the parking validation program.

The Commission finds that this application complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations in that it is in harmony with the development and use of the Waterfront Design District, does not conflict with the normal traffic of the area and that it does not have a negative impact on natural resources near the site.

Motion made by Hudecek, seconded by Marquardt. Motion passed unanimously.

MOTION: To approve the Coastal Site Plan for the outdoor seating area at Pizzetta, 7 Water Street, because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

Motion made by French, seconded by Marquardt. Motion passed unanimously.

MOTION: To move Item #1 under New Business, 'Request for modification of Special Permit #330...', to the next item on tonight's agenda

Motion made by French, seconded by Marquardt. Motion passed unanimously.

V. NEW BUSINESS

1. Request for modification of Special Permit #330, Mumford Cove Beach Association Fill, 3 Neptune Drive

Chairperson Sutherland recused herself from this application.

Keith Neilson, Docko, addressed the Commission discussing the modifications to the route for hauling the dredged sand to the beach area. The applicant noted that the route will be shorter and take less time.

MOTION: To approve a modification to Special Permit #330, Mumford Cove Beach Association Fill (CAM) to revise the haul route for the placement of 3,000 cubic yards of dredged sand on the Mumford Cove beach subject to the following conditions:

1. The applicant shall still be subject to the conditions of the original Special Permit #330.

The Commission finds that this modification of Special Permit #330 complies with the special permit objectives in Section 8.3-8 of the Zoning Regulations.

The Commission notes that this minor modification of Special Permit #330 is exempt from Coastal Site Plan review.

Motion made by French, seconded by Marquardt. Motion passed unanimously.

VI. PUBLIC COMMUNICATIONS - none

VII. OLD BUSINESS

1. Discussion of Revisions to Zoning Regulations for Buildable Land Definition and WRPD

Staff hopes to have new information to discuss at the next regular meeting. The Commission requested information on previously built open space subdivisions.

2. Modified Flood Hazard Determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Town of Groton

Staff noted and discussed the handouts the Commission received tonight including a note from staff on the required and optional regulation amendments, and an email from Dave Kozak, DEEP. Staff and the Commission discussed the

various sections from the regulations that would be modified with this application.

The Commission is ready to make application and will set the public hearing for June 5, 2013.

3. POCD Update Report

The next meeting of the Steering Committee will be April 18, 2013. A public meeting will be held on May 15, 2013.

4. Land Use Regulation Update Project - none

VIII. NEW BUSINESS

1. Request for modification of Special Permit #330, Mumford Cove Beach Association Fill, 3 Neptune Drive

This item was moved to earlier in the agenda.

2. Request for extension of Special Permit #267, Welles Road Landfill

Staff noted that this permit was granted in 2003 with a 5 year extension granted in 2008.

The Commission would like more time to review this item and tabled it to the next regular meeting.

3. Report of Commission

Commission French attended a meeting hosted by Avalonia Land Conservancy regarding storm water runoff and planting of trees to be used as a filter. She will copy the information for the Commissioners. Avalonia will be meeting again on April 16, 2013.

4. New Applications

a.) REGA13-01, Section 1.1, Section 8.3-1 through 8.3-12, Section 8.4-5

The Commission added a reference to Connecticut General Statute (CGS) 8-2(b) and set the public hearing for June 5, 2013.

IX. REPORT OF CHAIR - none

X. REPORT OF STAFF

Staff noted that the Special Permit application for 23-25 West Main Street has been withdrawn.

XI. ADJOURNMENT

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Motion to adjourn at 9:17 p.m. made by French, seconded by Hudecek,
so voted unanimously.

Mariellen V. French, Secretary
Zoning Commission

Prepared by Katie Trask
Office Assistant II